



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

11/11

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,773	03/26/2004	Jasna Roeth	LEAP:125US	9680
7590	05/30/2007		EXAMINER	
Robert P. Simpson, Esq. Simpson & Simpson, PLLC 5555 Main Street Williamsville, NY 14221-5406			LAVARIAS, ARNEL C	
			ART UNIT	PAPER NUMBER
			2872	
			MAIL DATE	DELIVERY MODE
			05/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/810,773	ROETH ET AL.
	Examiner	Art Unit
	Arnel C. Lavaras	2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 March 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 12-15 and 24-33 is/are withdrawn from consideration.
- 5) Claim(s) 1-11 and 18 is/are allowed.
- 6) Claim(s) 16,17 and 19-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Response to Amendment

1. The amendments to Claims 1, 16, 18 in the submission dated 3/26/07 are acknowledged and accepted. In view of these amendments, the objections to the claims in Section 8 of the Office Action dated 12/22/06 are respectfully withdrawn.

Response to Arguments

2. The Applicants' arguments with respect to Claims 16-17, 19-23 have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 16-17, 19-23 are now rejected as follows.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 16-17, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida et al. (U.S. Patent No. 6369940) in view of Kuroha (U.S. Patent No. 4097116), of record.

Nishida et al. discloses an interchangeable microscope stage drive assembly (See for example Figures 1-5, 8, 11), comprising a microscope stage (See for example 2 in

Figures 1-5, 8, 11) having a left side (See for example left side of Figure 1), a right side (See for example right side of Figure 1), and a hole on each of the left and the right sides (See for example the hole into which 11 is inserted into element 2 in Figures 4, 8; See also the set of holes into which the set of screws are inserted into element 2 on the left hand side of Figure 4 and the right hand side of Figure 8) of the stage; and a stage drive mechanism (See for example 11, 12, 31 in Figures 1-5, 8, 11) securable to the microscope stage to the left or right side of the stage (In the instant case, the stage drive mechanism is secured to the right side of the stage; it is also noted that this limitation is in the alternative, and that the stage drive is only required to be attached to one side of the stage), wherein the drive mechanism is secured to the stage by inserting an end of the drive mechanism in one of the holes at the right or left side of the stage (See 11, 12, 31 inserted into hole in right side of stage 2 in Figures 1-4; See also Figures 8, 11). Nishida et al. additionally discloses the stage drive assembly in a microscope (See for example Abstract; col. 2, lines 2-22; col. 3, line 66-col. 4, line 15). Nishida et al. lacks the drive mechanism being detachably secured, such as by a set screw. However, Kuroha teaches a conventional stage drive assembly for a microscope stage device (See for example Abstract; Figures 1-2), wherein the stage drive mechanism (See for example 11, 21 in Figures 1-2) is securely attached to a hole in the microscope stage (See for example 2 in Figures 1-2) via a sleeve and a screw (See for example 6 and its associated set screw in Figure 2). Though Kuroha does not explicitly teach that the screw attaching the sleeve and stage drive mechanism is removable and re-securable, such would have been quite apparent to one having ordinary skill in the art, particularly for removal and replacement

purposes. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the drive mechanism be detachably secured, such as by a set screw, as taught by Kuroha, in the assembly of Nishida et al., to allow for removal of the drive mechanism in case of cleaning, or replacement of the drive mechanism in case of damage.

6. Claims 20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida et al. in view of Kuroha.

Nishida et al. in view of Kuroha discloses the invention as set forth above in Claim 16, except for a rack and pinion operatively arranged to effect lateral movement of a slide holder and/or forward and backward movement of the stage. However, Kuroha further teaches the use of racks and pinions to effect both lateral movement of a slide holder and forward and backward movement of the stage (See for example 5, 7a, 8a, 10 in Figure 2). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a rack and pinion operatively arranged to effect lateral movement of a slide holder and/or forward and backward movement of the stage, as additionally taught by Kuroha, in the assembly of Nishida et al. in view of Kuroha, for the purpose of providing both coarse and fine adjustments to the microscope stage, allowing for accurate positioning of a specimen on the microscope stage.

7. Claims 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida et al. in view of Kuroha as applied to Claim 16 above, and further in view of Kanao (U.S. Patent No. 5802925), of record.

Nishida et al. in view of Kuroha discloses the invention as set forth above in Claim 16, except for a belt and pulley operatively arranged to effect lateral movement of the slide holder and/or forward and backward movement of the stage. However, the use of belts and pulleys as an alternative means of moving microscope stages and slide holders is known in the art. For example, Kanao teaches a conventional microscope stage (See for example Figures 1-2, 8-9), wherein stage and sample slide movement in both the x (lateral) and y (forward and backward) directions may be effected by either rack and pinion or, more advantageously, belt and pulley (See for example 8, 9a-b, 10a-b, 11 in Figure 1). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a belt and pulley operatively arranged to effect lateral movement of the slide holder and/or forward and backward movement of the stage, as taught by Kanao, in the assembly of Nishida et al. in view of Kuroha, for the purpose of effecting smooth and stable operational movement of the stage without receiving resistance of movement from the stage drive mechanism.

Allowable Subject Matter

8. Claims 1-11, 18 are allowed.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2872

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arnel C. Lavarias
Primary Examiner
Group Art Unit 2872
5/25/07



ARNEL LAVARIAS
PRIMARY PATENT EXAMINER